

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TROLLERS T. FLEMING
AKA MALEKK X SHABAZZ.

Plaintiff,

V.

THOMAS J. FLENAGLE, *et al.*,

Defendant.

CASE NO. C09-5681FDB/JRC

ORDER GRANTING
APPLICATION TO PROCEED *IN
FORMA PAUPERIS* AND
DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS

The Court, having reviewed plaintiff's application to proceed in forma pauperis (Dkt. # 1) and further submissions, does hereby find and ORDER.

(1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefor. Accordingly, plaintiff's application to proceed as a pauper is GRANTED. As set forth below, an initial partial filing fee will be collected, and plaintiff is required to make monthly payments of 20 percent of the preceding months income credited to his/her account until the full amount of the filing fee is satisfied.

(2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in forma pauperis, the agency having custody of the above named plaintiff is directed to calculate an

1 initial partial filing fee equal to 20 percent of greater of -- the average monthly deposits to the
2 prisoner's account or the average monthly balance in the prisoner's account for the 6-month
3 period immediately preceding the date of this Order. The initial partial filing fee should be
4 forwarded to the court clerk as soon as practicable.

5 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is
6 directed to collect and forward payments equal to 20 percent of the prisoner's preceding
7 month's income credited to the prisoner's account. In the event that the monthly payment
8 would reduce the prisoner's account below \$10.00, the agency should collect and forward
9 only that amount which would reduce the prisoner's account to the \$10.00 level. Please note
10 that this \$10.00 limit does not apply to the initial partial filing fee described above. Finally,
11 the monthly payments should be collected and forwarded to the court until the entire filing
12 fee (\$350.00) for this matter has been paid.

13 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,
14 and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization
15 portion of the IFP application to the attention of the inmate account manager (IFP account
16 manager) at the Washington State Department of Corrections.

17 DATED this 23rd day of November, 2009.

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J. Richard Creatura
United States Magistrate Judge